

perfect objectivity. The Israeli nationalist right, even the religious right, is a familiar enemy for me, whereas the ideology of death and martyrdom endorsed by so many Palestinians today is alien; I don't understand it. So perhaps someone else could provide a more adequate account of the four wars. What is crucial is to acknowledge the four. Most commentators, especially on the European left, but also on the Jewish and Christian right here in the United

States, have failed to do that, producing instead ideological caricatures of the conflict. The caricatures would be easy to ridicule, if they did not have such deadly effects. For they encourage Palestinians and Israelis to fight the first and fourth wars. Those of us who watch and worry about the Middle East have at least an obligation not to do that. ●

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In Search of Europe's Borders

The Politics of Migration in the European Union

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ON MARCH 11, 1882, the great French scholar Ernest Renan gave a lecture with the provocative title, "What is a Nation?"* Still recovering from the shock of the defeat of France by Prussia in the Franco-Prussian War of 1871, Renan, like many liberal nationalists before and after him, walked a thin line between the affirmation of the individual nation, which he described as "a soul, a spiritual principle," and the celebration of the peaceful plurality of nations. For Renan, nations were not eternal: they emerged through suffering and struggle in the past; they were sustained by the will to live together in the future. Nations had their beginning and their end. One day, he prophesied, "A European confederation will probably replace them. But such is not the law of the century in which we are living."

Twice in the twentieth century nationalist wars convulsed Europe and led to worldwide carnage; the dream of a European confederation that would end such wars has inspired European intellectuals at least since the Napoleonic conquests in the aftermath of the French

Revolution. Recent developments within the European Union—the adoption of a common currency by twelve of the fifteen member countries and the launching in February 2002 of a year-long European constitutional convention—have given "Euro-federalists" new hope and energy. Starting from a coal and steel consortium among Germany, France, the Benelux countries, and Italy in 1951, the EU currently encompasses 370 million residents in fifteen member countries. Despite occasional setbacks (Denmark's veto of the Maastricht Treaty, for example) and despite the more serious discord caused by the election of right-wing governments in Austria, Italy, Denmark, and the Netherlands, most Euroskeptics have to admit that the EU is moving inexorably forward. The question no longer is "whether the EU?" but "whither the EU?"

By 2003, the EU intends to expand its current membership to twenty-one countries, including the Czech Republic, Cyprus, Poland, Hungary, Slovenia, and Estonia. An ambitious second expansion by 2007 is intended to bring in Romania, Bulgaria, Lithuania, Latvia, the Slovak Republic, and Malta. Since the Copenhagen accords of 1993, conditions for admission to full membership have been defined very broadly to include (1) a demonstration of a country's commitment to functioning democratic institutions, human rights, the rule of law, and respect for and protection of mi-

*Ernest Renan, "What is a Nation?" in *Nation and Narration*, ed. by Homi Bhabha (Routledge, 1990), pp. 8-23.

norities; (2) a competitive market economy as well as the capacity to cope with competitive pressure; and (3) evidence that the country is able to take on the obligations of membership, including adherence to the aims of political, economic, and monetary union. By focusing on such broad institutional criteria, the EU avoids the much more controversial issues concerning cultural, linguistic, religious, and ethnic identities. The EU supposedly rests on a proven capacity to sustain a set of institutions, which, although originating in the West, are in principle capable of functioning on other soils and in other cultures as well. European identity is not given a thick cultural or historical coating; no exclusionary appeals are made to commonalities of history or faith, language or customs. In Renan's terms, it is the will to live together in the future, and not the fractious past, that defines the new European federation.

Despite these noble wishes to build the EU on "thin" liberal-democratic institutional criteria rather than "thick" cultural identities, a deep conflict between institutional principle and identity is unfolding, both within member states and at their borders. Intense debates range throughout the EU regarding the integration of sizable guest-worker populations and their descendants into their host countries, and many countries are passing new and more restrictive immigration and naturalization bills. These topics have been exploited by right-wing parties and politicians in Austria, Italy, Denmark, the Netherlands, France, and Spain. Social democratic governments in Britain and Germany are also feeling the pressure to cater to more xenophobic sentiments. While the British Labour Party is pushing a restrictive Immigration and Asylum Bill through Parliament, the German coalition government of Social Democrats and Greens has voted for an immigration bill that permits legalized immigration into the country but restricts the rights of asylum and refuge seekers. Despite the signing of the bill into law by President Johannes Rau, the German Christian Democrats, who are favored to win this fall, are threatening to raise objections against the bill in the German Supreme Court.

As has often been the case in European his-

tory, xenophobic politics is an easy politics, but the social factors and institutional trends behind European immigration are much more complicated and intractable. Europe's "others," be they guest workers or refugees, asylum seekers or migrants, have become an obvious focus for the anxieties and uncertainties generated by Europe's own "othering," its transformation from a continent of nation-states into a transnational political entity, whose precise constitutional and political form is still uncertain. Will the future EU be a federation of nation-states? A transnational European state in which nation-states are dissolved? Or a post-democratic administrative and bureaucratic conglomerate, bearing more affinities with medieval Europe than with republican traditions of popular sovereignty? These are daunting questions, to which there are no clear answers. As the journalist Joachim Fritz-Vannahme wrote in *Die Zeit*, the only common immigration policy that EU states have is fear itself: "The Europeans are building a fortress against refugees. Each wants to be the architect."

SHORTLY AFTER the Second World War, as Europe entered a period of economic and civil reconstruction, its foreign population stood at 1.3 percent. By 1992-1993 this number had increased to 4.9 percent; the growth stopped in the 1990s, when the countries of the EU began to monitor and control the influx of guest workers, refugees, and asylum seekers into their territories; the current figure is around 5 percent. But these aggregate numbers do not tell the whole story. In many countries the percentage of foreigners in the population is much higher: 9.0 percent in Austria and Belgium; around 8.9 percent in Germany; about 6.3 percent in France. In other EU countries, such as Spain, Denmark, Sweden, and Great Britain, the percentage hovers between 3 percent and 5 percent (note that this figure is well below the 9.7 percent that the U.S. census of 2000 revealed).

Germany and France have been intake countries for longer periods of time than Austria, whose foreign population more than doubled in the 1990s from 4.1 percent to 9 percent. The first *Gastarbeiter* arrived in Ger-

many in the 1950s, and the largest influx of Algerian-born immigrants came to France in 1956-1957. Primary immigration to both Germany and France has slowed down more recently and has been restricted largely to family unification; by contrast over a million and a half "ethnic Germans" from the former Soviet Union and other East European territories were permitted to enter Germany during this period. Great Britain, with its large number of citizens from former colonies as well as ex-colonial British subjects, presents an even more complex picture: according to the *Times* of London "there has been a net loss of British citizens and a net gain of foreign citizens in the past decade." Interestingly, the *Times* reports that immigration of those born in the EU and the old members of the Commonwealth—Canada, Australia and New Zealand—declined, while net immigration from newer countries of the Commonwealth in Africa and the Asian subcontinent increased. In other words, the face of the 183,000 new Britons is mainly black and brown—an unmentioned fact that is the subtle subtext of the intense debate about immigration in Great Britain.

EUROPEAN SOCIETIES that once, despite their imperialist history, considered themselves homogeneous nation-states are now experiencing changes in the make-up of their population that they did not foresee and about which they feel deeply ambivalent. Caught among the exigencies of a global economy in which the free movement of cheap labor across national borders is essential to capital expansion, urged by their liberal-democratic consciences to help asylees and refugees from the breakup wars of former Yugoslavia and the third world in general, and preoccupied with their own national histories and cultural legacies, EU countries are struggling with radically new collective self-definitions. Even Greece, Italy, Spain, and Portugal, which had traditionally been sender rather than receiver countries, now have to deal with large numbers of legal and illegal immigrants.

Reflecting these contradictory trends, EU countries have made sure that every step of the European integration process is accompanied by a redefinition of Europe's relation to its "oth-

ers." Thus the Schengen accord of 1985, which abolished internal border controls between Belgium, the Netherlands, Luxembourg, the former German Federal Republic, and France, was accompanied by some of the harshest restrictions on refugee and asylum policies. The Dublin Convention of June 1990, which followed upon Schengen, stipulated further restrictions upon the movements within the EU of foreigners or third country nationals; that is, foreigners who are not citizens of EU member countries. The Dublin Convention set up an EU-wide data base of asylees and refugees and clarified responsibility for processing asylum seekers who had applied to several EU countries.

Schengen and Dublin had marked consequences. In the mid-1990s, entry into Belgium, Denmark, Finland, and Luxembourg leveled off, and there were sharp falls in entry figures in Germany, France, and Sweden. But the "fortress Europe" that Schengen and Dublin intended to create was a fantasy, and another wave of liberalized entry into the EU—driven primarily by labor markets and the realities of Europe's aging labor force—is now on the European agenda. Even as right-wing parties denounce migrants and foreigners for "invading" their cities and cultures, demographic trends in many of Europe's social democracies as well as the demands of certain industries for specifically qualified workers, make it likely that tides of migrant labor will continue to rise.

THROUGHOUT the nineteenth century, Europe was a continent of emigration as well as immigration. What accounts for the explosive potential of these issues at the present? The answer lies partly in the great ferment generated by processes of European unification and the difficulties of bringing rapid institutional change and the evolution of collective identities into some kind of compatible pace.

Since the Maastricht Treaty of 1993, citizens of the fifteen European states have acquired EU citizenship. Article 8 of the treaty states, "Citizenship of the Union is hereby established. Every Person holding the *nationality* of a member state shall be a citizen of the Union" [emphasis added]. This article has been

the subject of intense debate from the start. Is European citizenship analogous to ancient Roman citizenship, something like membership in an empire, with attendant privileges but with little room for democratic participation? Should European citizenship be conceived principally as social citizenship, eventually entitling everyone who shares this status to an equivalent package of health, retirement, and old age benefits across the union states? Certainly, these problems are not unique to Europe and reflect dilemmas affecting citizenship in liberal democracies everywhere. There is a general concern that contemporary citizenship is defined less by political responsibilities and participation than by the entitlement to social benefits and privileges. Against the background of falling electoral participation rates and the ossification of established party mechanisms, political citizenship appears obsolete. Within the European context, however, the linkage between citizenship and "national" membership expresses a deeper ambivalence about the future of European identity.

EU CITIZENSHIP grants its holders the right to free movement, residence, and employment throughout the EU. Although EU citizens do not have the right to vote in the national elections of their respective host countries, they can vote and run for office in local as well as EU-wide elections. Thus a Dutch resident of London or Dublin can be a candidate for city and county government seats; hold office if elected, and still vote for the Dutch members of the EU Parliament. Although there is skepticism about how rigorously these rights are being claimed and exercised by the EU citizens entitled to them, the Maastricht Treaty delivered a blow to nationalist conceptions of sovereignty and citizenship.

These conceptions are exemplified in a German Supreme Court ruling in 1987 on attempts by Bremen and Hamburg to grant municipal voting rights to foreign residents who had fulfilled certain residency requirements (following the example of Denmark, which gives all foreign residents such rights). The Court barred the grant, claiming that "the people's sovereignty is indivisible." The right of election could only rest upon the sovereignty

of a united people, who shared a common past and fate ("*die Nation als Schicksalsgemeinschaft*"). This decision has since been revised to conform to the requirements of the Maastricht Treaty. In a 1997 decision, the Court argued that the possession by non-German citizens of electoral rights did not prejudice the rights of German citizens to political representation through "general, direct, free, equal, and secret" elections. In the case of municipal and district elections, the concept of the sovereign people could be interpreted to include persons "who possess the citizenship of a member-state of the European Union," as well as those who became German citizens in accordance with Article 116 of the German Constitution.

The Court did not explain, as it had done previously, what concept of the people it was now invoking and how it was interpreting popular sovereignty. What political, moral, and juridical principles give certain kinds of people the right of democratic voice while excluding others? Is it only by virtue of its treaty obligations that the democratic franchise can and should be extended to EU citizens? And if the local franchise, why not extend the national one as well? And if to EU citizens, why not to Turks, Moroccans, and Serbians who may have lived and worked in Hamburg or Bremen longer than their Dutch or British neighbors? What is the link between national membership and the democratic franchise?

The EU upholds this link in that access to EU citizenship is based upon national citizenship. But insofar as the active exercise of political rights at local levels no longer requires shared linguistic, ethnic, or religious belonging, but rather is based on interests, affiliations, and associations emerging from a common life in a certain locality, a different conception of democratic citizenship is also becoming visible. The exercise of political citizenship at the subnational level means that the interests of all long-term residents of an electoral district are worthy of equal consideration and respect; therefore democratic participation rights should be extended to all those whose long-term interests would be affected by them. The laws should bind those who can see their own will reflected in them.

Many countries such as Denmark, Netherlands, Sweden, Ireland, and Great Britain, which are EU members, and others such as Norway and Switzerland, which are not, actually extend local and—in some cases—regional political rights to non-EU foreigners resident in their territories. So what is emerging in contemporary Europe is a mixed bag of rights, entitlements, and privileges, distributed quite unevenly across resident populations, in accordance with varying principles.

At the same time, throughout the EU, a great rift has opened between the status of its citizens and that of those foreign residents who are third country nationals. The latter include Turks as well as U.S. citizens, Moroccans as well as Bosnians, Argentinians as well as Chinese. Of course, in every democratic country the rights of citizens are distinct from those of tourists, and those of permanent residents are distinct from both. What is unique about the situation of third country nationals in contemporary Europe is that this category includes large numbers of people who have been guest workers in residence for ten to twenty-five years. It also includes people who are asylees and who will most likely never return to the countries from which they fled, and still others who are refugees, whose fate depends upon changing political conditions in their host countries as well as their countries of origin. The social and political rights and entitlements of these groups differ across the EU; they are dependent upon the national and local legislatures of their countries of residence. Furthermore, the rules governing “naturalization” procedures that would give access to citizenship are distinct for each EU member country. Although the European Convention of Human Rights applies to all residents of the union and not just to EU citizens, third country nationals have limited civil rights in that their freedom of movement, domicile, and employment is strictly regulated by each host country and across the Schengen and Dublin borders. Add to this complex tapestry of identities, entitlements, and rights the urgent need for young migrant laborers, in order to stave off the disastrous effects of low birth-rates upon social security and old age pensions, and the magnitude of Europe’s problems in articulating fair

and democratic principles of membership becomes evident.

A more precise breakdown of third country nationals shows that their differential juridical status corresponds to significant ethnocultural and religious cleavages. Turks and ethnic Kurds (who are in most cases Turkish citizens) are the largest group of foreigners, not only in Germany but in Western Europe in general. In 1993, they numbered 2.7 million. Of that number, 2.1 million live in Germany and as of 1999 made up 2.8 percent of the population. The second largest group of foreigners is the members of former Yugoslav states, many of whom enjoy either full or temporary refugee status: 1.8 million Croats, Serbians, Bosnian Muslims, and Albanians. Among the EU countries most affected by the breakup wars of former Yugoslavia are the Netherlands, where as of 1998, citizens of former Yugoslavia numbered 47,500; Sweden, where the corresponding figure is 70,900; and Italy, in which 40,800 former citizens of Yugoslavia, as well as 91,500 Albanians, have settled. This picture is complicated by the presence in countries such as France of former colonials. As of the 1990 census, France counted 614,200 Algerian-born individuals among its population and 572, 200 Moroccans.

AFTER THE FALL of communism in Eastern and Central Europe, a slow but increasing tide of immigration from the former Eastern bloc countries to the EU began. In 1998, 66,300 Poles entered Germany, about 10,400 entered France, and about 14,000 the Netherlands. In 1998, there were 20,500 members of the Russian Federation resident in Finland; Greece is host to about 5,000 Russians, 3,000 Bulgarians, and approximately 2,700 Albanians.

It is obvious that EU expansion, if and when it comes, will do little to alter the legal status of most third country nationals, since neither Turkey nor the former Yugoslav states—with the exception of Slovenia—nor Algeria, Morocco, or Albania will join the EU in the foreseeable future. To the contrary, given that the largest number of third country nationals within the EU are from Muslim countries, it is to be expected that after the attacks of Sep-

tember 11, 2001, there will be less sympathy for their plight and less readiness to bring their juridical status into line with that of other residents. The shift from employing laborers from such predominantly Muslim countries as Morocco, Algeria, Tunisia, and Albania to those from Eastern European countries has already started. In Spain, which is dependent upon large numbers of migrant laborers in its agricultural sector, this displacement has not been missed by the migrants themselves. Rachid Benyaia, a forty-year-old Algerian who has been in Spain for eight years, for example, told the *International Herald Tribune* that the East Europeans "have the same culture as Spain—that's what they tell us."

The EU reproduces at the supranational level some of the internal tensions of modern nation-states, while showing tendencies toward evolution along a different path. Common identity and the democratic understandings of the citizenry were fused together in the modern nation-state, where the citizen was socialized, schooled, and disciplined to embody a specific national identity. Of course, cultural homogeneity was more an ideal than an actual historical fact. Modern nation-states incorporated through annexation and oppression large cultural groups who were not given democratic voice. Yet contemporary developments are splitting apart aspects of citizenship that modern nation-states usually bundled together.

CITIZENSHIP in the modern nation-state has three aspects: shared collective cultural identity; political rights and privileges; and social entitlements such as unemployment compensation, old age pensions, health care, educational subsidies, and so on. For EU citizens, both political rights and privileges (except those at the national level) and social entitlements, which in most cases accrue as a consequence of the wage-labor contract, are no longer dependent upon sharing a common national identity. Some commentators therefore view EU citizenship as a case of "postnational membership" heralding developments that will not remain confined to the EU. Postnational membership brings with it the dissociation of national identity from democratic rights, as well as the allocation of social entitlements on crite-

ria other than those of national origin. But for the millions of third country residents of the EU, the classical model of national belonging is retained as a precondition for the exercise of political rights. Even so, insofar as the entitlement to social rights and benefits is dependent upon one's status as a wage laborer and not upon one's ethnic origin, the significance of nationality is waning.

Whether these developments presage the general decline of democratic citizenship and the emergence of a model of post-democratic governance or whether they can lead to a new form of citizenship, dissociated from nationality and closely tied to the local, regional, and transnational networks of a global civil society, is not easy to say. The disaggregation of citizenship carries danger as well as promise. For the EU's third country nationals, the danger is all too clear: despite the considerable social benefits enjoyed by those who have secured jobs and long-term residency in Europe's wealthy democracies, they remain culturally as well as politically "mere auxiliaries to the commonwealth," as Kant once called women, children, and servants. Their voices are not heard at the level of the newly emerging union. Many decisions—on family unification, for example—that deeply affect them are taken without their effective participation. As long as political participation rights are linked with nationality, many foreign residents of the EU will, in effect, trade political voice for social benefits.

These juridical discrepancies and political confusions can be seen in part as the growing pains of a new union. After September 11, however, they assume greater significance. As I have already pointed out, the majority of third country nationals who do not enjoy representation at the EU or local levels are Muslim (Turks, Kurds, Algerians, Moroccans, Albanians, Bosnians); a smaller number are Orthodox Slav in origin (Serbians, Bosnians, and Albanians); and so the institutional fault lines concerning rights and privileges perilously track ethnic and religious ones. Easing the naturalization process is certainly one way of dealing with this problem. Granting the right to participate in elections to the EU Parliament, as well as in local elections, according to some shared criteria across the EU, would be another. This political

harmonization ought to be accompanied by the right to EU-wide mobility and employment for legal permanent residents.

A further question that needs to be addressed by the EU, the United States, and many other states and international organizations concerns the status of long-term refugees and asylees. At what point does the receiving state incur an obligation to incorporate these people? When and how can they assume immigrant status in legal fashion? There are no clear answers to these questions in either the theory or the practice of international law. The will of the national legislatures remains sovereign, despite continued lip service to human rights agreements.

As representatives of the fifteen member countries convene in an EU-wide constitutional convention this year, and as they negotiate the dialectic of identities and institutions, they will redraw the boundaries of their union. Whether the dream of the Euro-federalists to establish a multifaith, multinational, and multicultural Europe becomes a reality depends in large measure on the treatment of the foreigners in their midst. Given how closely the dividing line between those who enjoy full and complete citizenship status and those who do not corresponds to religious, ethnic, and class cleavages, it is important that a new European federation not perpetrate the historical divi-

sions between Europe and its "others."

But political indicators since September 11 provide a different signal. In Hamburg during city-wide elections the Social Democratic Party was replaced by the conservative Christian Democratic Union; in Portugal a neoliberal has taken over from the socialists; in Denmark, the socialists have lost their hold on the government for the first time in eighty years. In the Netherlands, after the assassination of its leader, Pym Fortyn's anti-Muslim, anti-immigrant party picked up seats in the Parliament. The French Socialists lost the June 2002 elections; after scaring themselves and the world by giving Jean-Marie le Pen a symbolic political victory, French voters provided President Jacques Chirac's rightists with an impressive majority in the National Assembly. With national elections pending in Germany this fall, which the Social Democrats seem likely to lose, Tony Blair's Labour Party may remain the only social democratic party in power in a major European country. At this juncture, the EU is turning sharply to the right, and in this continental shift, Europe's migrants are the first to lose. ●

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TITLE: In Search of Europe's Borders: The Politics of Migration
in the European Union

SOURCE: Dissent 49 no4 Fall 2002

WN: 0228803550008

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